

Staff Response to Alan Banov:

1. Potomac Community Center

The wait times reflect the traditional voter, not special needs voters, such as a voter who returned a voted ballot and then appeared at the polling place. The length of time spent voting provisionally is not included as part of “wait times.” The purpose of Provisional Voting is to provide a fail-safe method for voters while preventing fraud by allowing a voter an opportunity to vote more than once. The process for Provisional Voting is lengthy and time consuming. This is why staff messaging regarding voting updates is important. The staff did change the messaging at the provisional table and attempted to explain to the voter the issue, but Election Judges are instructed to always allow the voter to exercise their right to vote. The State Board had previously required that when a person voted both an absentee ballot and provisional ballot, neither ballot was counted. The emergency regulation changed policy but it is now the law for 2022.

Because the vote by mail ballots were processed manually, it is simply unrealistic to expect full, in real time, synchronization of different components of a rather complex process (*i.e.*, ballots requested, processing requests, issuing ballots, receiving returned ballots, logging ballots into MD Voters and the canvass). The solution is automation to the extent possible if the vote by mail process is expected to be used extensively by the public.

Every Early Voting Center and Vote Center received 8 empty provisional bags that were packed in the supply cart which combined could hold two thousand ballots. No location had two thousand Provisional Voters in one day. The highest one-day total at a site was around 500. Better understanding of supplies and the packaging of supplies by the election judges should be addressed in the future. The provisional ballot bags were picked up daily and emptied at the BOE office to begin processing EV Provisionals daily into the MDVOTERS system. The planned process, new supplies were sent every day with the daily paperwork and Election Judge payroll sheets and empty provisional bags were sent to augment the used bags when a Chief Judge requested additional bags. This is the process used since the advent of provisional voting at Early Voting Centers, refresh supplies daily.

It should be noted that when a voter submitted a vote by mail ballot and voted a provisional ballot, that stops the processing of both ballots as they are set aside for further review. The ballots are identified as potential double votes by staff and the Provisional Ballot Supervisor then needs to review the records. If the voter record reflects a received vote by mail ballot and received provisional ballot, then the vote by mail ballot would be forwarded to the Canvass and the Provisional ballot is rejected. Voters create delays

by submitting two voted ballots.

Potomac Community Center had 10 BMDs, with 2 BMDs dedicated to provisional voting. During early voting, one Provisional BMD did stop functioning and it was replaced the next day. The voters were given the opportunity to vote on paper ballots, but many voters made the choice to wait to use the BMD. The Potomac Community Center will only have one room available for voting in the Election in 2022, as other functions will be occurring at the location.

2. Wheaton Recreation Center

Parking garage opened on time daily at 6:00 a.m. and remained open until the last election judge left the garage. It is on a timer.

Wheaton had 6 scanners assigned and, if needed, there were four (4) additional scanners available for use. Staff went to the site and made adjustments regarding scanners.

Staff will take under consideration verbiage regarding voting. The 2022 Sample Ballot could include language that advises voters that it is illegal to vote twice in an election.

3. Lawton Recreation Center

Centers are reserved for a certain time frame. A determination is made as early as possible early in the planning stages for each location regarding how much time should be allocated in advance for setup and preparation at the centers and polling places. The reservation times at the locations are based on the BOE staff's timeline.

Each location had eight (8) Provisional bags per site. Staff observed that the Center Manager and Chief Judges exhibited inadequate communication and organization skills. The grey carts were labeled and organized so that the Orange provisional bags were stored together, and 8 bags could hold two thousand Voted Provisional ballots envelopes.

Same Day Voter Registration identification requirements should be addressed with the State Board of Elections. Staff agrees with the assessment that the younger demographic use smart phones for everything.

4. Executive Office Building

Limited space, a tropical storm forecast, parking challenges and an inability to expand operations pushed voter check-in into hallway/atrium.

Acoustics issues will be marginalized with shorter lines. The Auditorium is too small and, with COVID restrictions in place, this election further limited the number of people allowed in the room at one time in accordance with the Department of Health and COVID personal distancing restrictions. It should be noted that security is a bigger issue at this site. With the room size, check-in was placed in the corridor. Once the pollbooks were placed outside of the room, staff was required to place a security person from close of this Early Voting Center overnight until the opening by the Chief Judge of the location the next day. This increased costs because of the overtime requirements to have County Security assigned.

5. Activity Center at Bohrer Park

There was an Election Judge training issue when a voter made an error attempting to insert the VAC into the BMD. This was an Election Judge mistake. Election Judges were trained to escort the voter to the BMD to allow the Election Judge to pull up the correct precinct-based ballot style. The Election Judge was informed of the error and the Center Manager was told to rotate the Election Judge from that duty to another task at the Center.

Privacy shields were delivered with the supplies in the grey carts. The Election Judges were trained to install the Privacy shields. Because the screens were not used, use of privacy screens will be revisited at future training sessions to improve Election Judge performance.

6. Mid-County Recreation CTR

The State Board of Elections determines the type of equipment used in the voting area. The County did have ballot-on-demand printers in the past and experienced significant problems. Staff is interested in ballot on demand if the County is willing to invest in the technology and staffing and the State Board permits the usage of such technology. Additionally, it should be noted that there will be a significant increase in election costs because monitoring the equipment will require that an IT Technician be onsite during all voting hours because of potential printer breakdowns and the accuracy required for the ballot to be printed for scanning.

The Provisional VAC is placed in an ORANGE FOLDER to distinguish that voter from registered voters. Use of highlighters obliterates the print on the Provisional VAC due to the thermal paper. The orange folder alerts an Election Judge to direct voters to the correct voting table. The correct voting table is to have an orange color table covering, with the sign that identifies it as a Provisional Ballot table. Use of the color orange alerts the Election Judges to send the voter to the correct location so the voter can begin the process of voting.

7. Praisner Community Recreation CTR.

The Gym is not ADA accessible unless the voter is sent outside to a side entrance to re-enter the building on the lower level. This issue was addressed during the discussion of the Early Voting Centers in 2019. It was explained that limited voting would take place in the Gym because of ADA limitations.

8. Election Day

The pollbooks going down did not impact voting. Technical staff was available during the entire voting period to address equipment issues in a timely manner.

Early Voting and Election Day transition is a non-issue in 2022 as the Early Voting dates have been restored to the traditional dates.

Voters like the BMDs and this is understood by staff. Some voters prefer using the BMDs over voting paper ballots.

Einstein High School poll workers never contacted the Call Center. Staff did speak to the Chief Judge the night before the election. The Judge never reported this issue related to cable length. Staff is not able to fix issues unless advised of the problem. Additionally, the issue was not submitted to the Call Center or the Roamer Tech assigned to that Vote Center. We had numerous runners and techs available to assist and resolve issues. Staff cannot assist if the problems are not reported. Also, there was never an operational issue or wait time reported at Einstein High School.

Staff always supports and encourages Chief Judges to work at Early Voting Centers prior to Election Day because it improves their performance and minimizes errors. Because of the number of election judges interested in serving, the standard operational practice changed. Staff will reexamine the issue for the 2022 election cycle.

Chairs were never approved because of the need to clean the chairs after every person sat down and got up.

Banov Recommendations

240-777-8543 is the Call Center number. The Director, the Deputy Director and other staff walk into the call center to repeat whatever information is provided and ascertain information regarding existing problems. The Board Attorney is also always available to resolve issues.

Website updates – Staff concurs but would also suggest that the use of the MoCo App and SMS Texting is equally valuable as a tool to share information quickly. DTS updates the website as quickly as possible when advised of needed changes.

When processing Provisional voters, using the orange folder is a better tool to prevent the voter from voting a ballot they are not eligible to receive. It is a visual signal to go to the table with the orange covering. An orange folder in a voter's hand is much more visible to the staff working the polls.

Privacy Sleeves and COVID restrictions were handled in accordance with best practices.

Drop Boxes have been instituted by Maryland Law.

The public service announcements are available in small 20 second and 30 second clips. The Sample Ballot provides a tremendous amount of information.

The BMD Election Judge training needs to be improved to prevent voters from using the unit unless an Election Judge escorts the voter to the unit.

Greeters had numerous duties this election, but it could be added to the directory of information the Greeter should state.

Chairs are not recommended as seating while checking in voters. Providing seating, absent a need, slows intake, adding to wait times.

The Check-in Pollbook Judge is trained to explain the two voting options for voters. As an aid, each pollbook has a statement on the pollbook screen that the election judges are trained to read to every voter. It reads "there are two ways to vote..." This practice will be reconfirmed in the upcoming elections.

Chief Judges do have authority on electioneering and should be using the diagrams provided by staff. If a question arises, Chiefs are advised to reach out to BOE for clarification and/or assistance with managing electioneering boundaries. The Chief Judge does not have any legal authority on mask compliance; however, they could prevent the non-mask wearing voter from entering the polling room.